

**TOWN OF LOS GATOS  
CALIFORNIA  
TOWN COUNCIL/PARKING AUTHORITY  
JOINT REDEVELOPMENT AGENCY  
APRIL 23, 2004 / MINUTES**

Los Gatos Civic Center  
110 E. Main Street  
Los Gatos, CA 95030

<b>TIME</b>	<b>ITEM</b>	<b>ACTION ON ITEM</b>
<b>4:00 PM</b>	<b>TOWN COUNCIL</b>	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 4:00 p.m., Friday, April 23, 2004, <b>in a special regular session.</b>
4:01	<b>ROLL CALL</b>	Present: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman and Mayor/Chairman Glickman. Absent: None
4:01	<b>PLEDGE OF ALLEGIANCE</b>	The audience was invited to participate in the Pledge of Allegiance.
<b>4:02</b>	<b>COMMUNICATIONS</b>	<b>VERBAL COMMUNICATIONS</b>
4:02 PM	<b>SPEAKER</b>	<b>Ray Davis</b> spoke of the need for a code of ethics in the Town. He also enquired about the interest on redevelopment funds that the county withheld from the school district. <b>Mayor Glickman and Mr. Pirzynski</b> noted that the Council does have a working policy committee that oversees the code of ethics for the Town. Also noted that the Grand Jury report found that the actions taken by the Town have been appropriate and that the County finally did pay the correct amount to the schools.
<b>4:07 PM</b>	<b>PUBLIC HEARING</b>	<b>PUBLIC HEARING WINCHESTER BOULEVARD 14300/PLANNED DEVELOPMENT</b>
	<b>ITEM 1  SOBRATO DEVELOPMENT</b>	<b>Mayor Glickman</b> announced that this was the time and place duly noticed for holding a public hearing to consider modification of an approved Planned Development relating to the allowed square footage of office space on property zoned CM:PD. An Addendum to the Environmental Impact Report will be prepared in accordance with the California Environmental Quality Act. APN 424-32-068. Property Owner/Applicant: Sobrato Development Companies.

TIME	ITEM	ACTION ON ITEM
<b>4:07 PM</b>	<b>PUBLIC HEARING CONTINUED</b>	<b>PUBLIC HEARING WINCHESTER BOULEVARD 14300/PLANNED DEVELOPMENT</b>
<b>4:08 PM</b>	<b>STAFF REPORT  14300 WINCHESTER BOULEVARD</b>	<b>Bud Lortz</b> , Community Development Director, spoke of the history of this project with the following comments: On January 20, 2004 Council approved a Planned Development for 120,000 square feet of office R&D and 290 apartments, 51 of which are BMP's; Subsequently Netflix contacted the applicant about possibly occupying the office buildings; Planning Commission considered this matter on April 20, 2004 and recommended approval on a 5-1 vote; The Commission made recommendation on items including building height, lease conditions, wheel stops in parking garages, a freeway sign, maintenance of community benefits, sidewalk along Winchester and off haul of excess dirt from the site.
<b>4:17 PM</b>	<b>SPEAKERS FOR ITEM 1</b>	<b>SPEAKERS FOR ITEM 1 WINCHESTER BOULEVARD 14300/PLANNED DEVELOPMENT</b>
	<b>SPEAKER</b>	<b>John Shenk</b> , representing Sobrato Development Companies, described the proposed changes to the office buildings as follows: Buildings are extended toward the south; The main drive aisle was made smaller; The landscape median is also smaller; Showed three exhibits contrasting the January 2004 approved plans with the proposed modified project; The increased height is to provide Netflix with a "green building" as energy efficient as possible. He concurred with the Planning Commission's recommendation except for the language on the lease as those negotiations are not yet complete. He confirmed that a lease agreement will be provided prior to a building permit.
<b>5:04 PM</b>	<b>SPEAKER</b>	<b>Dave Ferrar</b> strongly recommended approval of the project noting: Netflix adding vibrancy to community; Importance of keeping Netflix in Town; Unique opportunity for the Town; Environmentally friendly building a great plus.
<b>5:07 PM</b>	<b>SPEAKER</b>	<b>Bob Shepard</b> , realtor, spoke of Reed Hastings reviewing 65 different locations for Netflix. Winchester is the preferred location and he asked that Council assist in a successful application and assurance of a project that will encourage economic vitality in the community.
<b>5:12 PM</b>	<b>SPEAKER</b>	<b>Ray Davis</b> spoke of increased traffic and congestion, and asked how this project will impact the quality of life for the residents of Los Gatos.
<b>5:15 PM</b>	<b>SPEAKER</b>	<b>Julie SanJuan</b> as a resident of Los Gatos, noted that she worked at Netflix; enjoyed working and living in Town; raised her daughter in Town; and was able to have her daughter attend local schools and participate in local community activities. She hoped others would be able to enjoy the same benefits.

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5:15 PM	PUBLIC HEARING CONTINUED	<b>PUBLIC HEARING WINCHESTER BOULEVARD 14300/PLANNED DEVELOPMENT</b>
5:16 PM	SPEAKER	<b>Lee Quintana</b> , Member of the Planning Commission, asked Council to consider the following elements of the project carefully: Additional cubic yards of off-haul; Project construction impacts to community; Proper review of hauling routes and mitigation of impact; and Review of CEQA concerns and compliance.
	SPEAKER	<b>Denise Helm</b> , representing Netflix, spoke of the consultants they have hired to design a “green” building. They are looking at using an evaporated cooling system and additional height is needed to accommodate the rooftop equipment and the space between floors for appropriate sized ducting and conduits.
5:22 PM	CLOSED PUBLIC HEARING - ITEM 1	<b>Mayor Glickman</b> closed the public hearing on Item 1.
5:23 PM	COUNCIL COMMENTS AND CONSENSUS ON ITEM 1	<p align="center"><b>COUNCIL COMMENTS AND CONSENSUS WINCHESTER BOULEVARD 14300/PLANNED DEVELOPMENT</b></p> <p><b>Council Comments &amp; Consensus:</b></p> <ul style="list-style-type: none"> <li>* Reaffirmed \$50,000 contribution for community benefit</li> <li>* Reaffirmed the installation of sidewalk when the light rail connection is completed</li> <li>* Accepting of the Planning Commission’s work and conclusions</li> <li>* Town staff and applicant to work diligently on maintaining previously approved building height</li> <li>* City of Campbell will be kept abreast of any changes that may impact them and be included in the plans for the off-haul</li> <li>* Applicant will work with Town staff on the truck routes and all mitigation methods for smooth construction work including: Developed traffic plans; Use of flagmen; Time sensitivity to traffic routes; Not traveling through residential zones</li> <li>* The present project reflects fewer trips, and reduced bulk and impact than what was covered in the EIR</li> <li>* Sign would need to fit in architecturally on the southern elevation of building “A” and could not eliminate any windows</li> <li>* In general, as Netflix grows, Los Gatos’ sales tax will grow</li> </ul>
6:08 PM	ITEM 1 COUNCIL ACTION	<b>Council Consensus</b> to accept informational documents as Addendums I & II dated April 22, 2004 and April 21, 2004 submitted for this evening’s Meeting of 4/23/04.

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<b>6:08 PM</b>	<b>PUBLIC HEARING CONTINUED</b>	<b>PUBLIC HEARING WINCHESTER BOULEVARD 14300/PLANNED DEVELOPMENT</b>
6:08 PM	<b>ITEM 1  REQUIRED FINDINGS</b>	<b>Motion by Mr. Pirzynski</b> , seconded by Ms McNutt, that Council find that this Zone Change is internally consistent with the General Plan and its Elements. Also finding that the benefits of the project outweigh the impacts of the project. And finally that the Environmental Impact Report, EIR Addendum II Update, reflects the latest iteration of this project. Carried by a vote of 4 ayes. Mrs. Decker voted no.
6:22 PM	<b>ITEM 1  READING WAIVED</b>	<b>The Town Clerk</b> read the Title of the Proposed Ordinance.  <b>Motion by Mr. Pirzynski</b> , seconded by Ms McNutt, to waive the reading of the Proposed Ordinance. Carried unanimously.
6:24 PM	<b>ITEM 1  INTRODUCTION OF PROPOSED ORDINANCE</b>	<b>Motion by Mr. Pirzynski</b> , seconded by Ms McNutt, that Council introduce Proposed Ordinance entitled, <u><b>AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE PLANNED DEVELOPMENT AT 14300-14350 WINCHESTER BOULEVARD (ORDINANCE 2126)</b></u> , with the stipulation that the Planning Commission Items 1-6 as specified in the Addendum dated April 21, 2004 are to be included. Also noted by the maker of the motion was the unique architecture; the Gateway project of a world class corporate headquarters for a very successful business having its roots in Los Gatos; and the creative mixture of residential and research and development in a location planned for a future light rail station and transportation hub for this community. Carried by a vote of 4 ayes. Mrs. Decker voted no. (01.15)
6:24 PM	<b>“NO” VOTE ON PROPOSED ORDINANCE</b>	<b>Mrs. Decker</b> asked that her reasons for her “no” vote on the proposed ordinance be reflected in the minutes as follows: <ul style="list-style-type: none"> <li>* She believes that a better plan for this project could be worked out which would offer more benefits to the community and Netflix together</li> <li>* A more attractive and compatible design should be required for our Town</li> <li>* She spoke of the community values addressed in the General Plan, such as small town atmosphere, hillside protection and small scale development</li> <li>* This project covers more than 50% in hard scape</li> <li>* The General Plan states building height for HVAC be included in overall building height</li> <li>* Proposal is 20' above height stipulated in Zoning Ordinance</li> <li>* A 2' increase might work but not a 5' increase</li> <li>* Concerned that the proposed freeway sign will set precedence</li> <li>* The 300 homes and office building capable of hiring 1,00 people will impact this area severely</li> </ul>

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<b>6:27 PM</b>	<b>PUBLIC HEARING CONTINUED</b>	<b>PUBLIC HEARING WINCHESTER BOULEVARD 14300/PLANNED DEVELOPMENT</b>
	<b>ITEM 1 COUNCIL ACCEPTANCE</b>	<b>Council Consensus</b> to accept "Letter of Agreement" from Netflix as set forth in the Addendum Report dated April 22, 2004. Carried unanimously.
<b>6:40 PM</b>	<b>ADJOURNMENT</b>	<b>Mayor Glickman</b> adjourned this evening's meeting at 6:40 PM

**ATTEST:**

Marian V. Cosgrove  
Town Clerk  
Secretary to the Redevelopment Agency